

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PETITION FOR WRIT OF HABEAS CORPUS
PERSONS IN FEDERAL CUSTODY
UNDER TITLE 28 USC SECTION 2241

Full Name and prisoner number of Petitioner

Civil No. _____

VS.

Name of Respondant

INSTRUCTIONS - READ CAREFULLY

In order for this petition to receive consideration by the U. S. District Court, it shall be in writing (legibly handwritten or typewritten), signed by the petitioner and verified (notarized), and it shall set forth in concise form the answers to each question. (If a particular question is not applicable, that should be specifically noted.) If necessary, petitioner may finish the answer to a particular question on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

Since every petition for habeas corpus must be sworn to under oath, the false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

If the petition is submitted in forma pauperis, it shall include the Application To Proceed In Forma Pauperis (AO 240-MN). Petitioner should be mindful of the changes in IFP procedures effected by the "Prison Litigation Reform Act".

When the petition is completed, the original and one copy together with a JS-44 Civil Cover Sheet must be mailed to: Office of the Clerk, United States District Court, 700 Federal Building, 316 North Robert Street, St. Paul, MN 55101. The petition must be accompanied by either (a) the full filing fee of \$5.00, make check payable to U.S. District Court or (b) a properly completed IFP application (with the initial partial filing fee, if required by 28 U.S.C. Section 1915(b)(1).)

1. Place of detention: _____
2. Name and location of court which imposed sentence

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) _____
 - (b) _____
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) _____
 - (b) _____
 - (c) _____
5. Check whether a finding of guilty was made
 - (a) After a plea of guilty _____
 - (b) After a plea of not guilty _____
 - (c) After a plea of nolo contendere _____
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
 - (a) A jury _____
 - (b) A judge without a jury _____
7. Did you appeal the judgment of conviction or the imposition of sentence? _____
8. If you answered "yes" to Item 7, list:
 - (a) The name of each court to which you appealed
 - i. _____
 - ii. _____
 - iii. _____
 - (b) The result in each such court to which appealed
 - i. _____
 - ii. _____
 - iii. _____

(c) The date of each such result

i. _____

ii. _____

iii. _____

(d) If known, citations of any written opinions or orders entered pursuant to such results.

i. _____

ii. _____

iii. _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully. Each ground for relief should be described separately, and each ground should include (1) a concise statement of the relevant facts and (2) a brief description of the legal principle(s) on which it is based.

Ground 1

Ground 2

Ground 3

Additional grounds may be set forth on an attached page.

10. Have you filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or other applications, Petitions or motions with respect to this conviction? Please list below.

11. If you answered "yes" to Item 10, list with respect to each petition, motion or application

- (a) The specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
- (b) The name and location of the court in which each was filed.
 - i. _____
 - ii. _____
 - iii. _____
- (c) The disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____
- (d) The date of each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
- (e) If known, the citations of any written opinions or orders entered pursuant to each such disposition.
 - i. _____
 - ii. _____
 - iii. _____

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, then for each ground raised here, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

Ground 1

Ground 2

Ground 3

Additional grounds may be set forth on an attached page.

13. Has any ground set forth in Item 9 (above) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under Section 2255 of Title 28, United States Code, or any other petition, motion or application?

14. If you answered "yes" to Item 13, identify all of the proceedings in which each such ground was raised.

Ground 1 _____
Ground 2 _____
Ground 3 _____

If there are additional grounds, attach a separate page.

15. Have any of the grounds for relief presented in this petition been raised in any prison grievance procedure or administrative remedies procedure? **9** Yes **9** No

16. If you answered "yes" to Item 15, then for each ground that has been raised describe (1) each step that was taken to resolve the claim through a grievance procedure or administrative remedies procedure and (2) the disposition of the claim at each step.

Ground 1 _____

Ground 2 _____

Ground 3 _____

(Copies of any written materials pertaining to grievance procedures or administrative remedies procedures - including statements of the claim(s) presented and responses received - should be attached to this petition.)

17. Are there any administrative remedies available for any of your grounds for relief that have not been exhausted? _____

18. If you answered "yes" for Item 17, then for each such unexhausted ground for relief, explain why the available administrative remedies were not fully exhausted.

19. If you were represented by an attorney during any of the following procedures, then state the name and address of such attorney(s):

- (a) Your appearance before a United States Magistrate Judge?

Name _____
Address _____

- (b) Your arraignment and plea?

Name _____
Address _____

(c) Your trial, if any?

Name _____

Address _____

(d) Your sentencing?

Name _____

Address _____

(e) Your appeal, if any, from the judgment of conviction or the imposition of sentence?

Name _____

Address _____

(f) Preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

Name _____

Address _____

20. If you are seeking leave to proceed in forma pauperis, have you completed the sworn affidavit setting forth the required information? (see instructions, page 1 of this form)

_____ being first sworn under oath, presents that he/she

(Signature of petitioner)

has subscribed to the foregoing petition and does state that the information therein is true and correct to the best of his/her knowledge and belief.

(Signature of Affiant)

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____

Notary Public

My commission expires _____

NOTARIZATION IS NOT NECESSARY IF THE
FOLLOWING STATEMENT IS COMPLETED

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(Date)

(Signature)